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FOR SOLE USE OF THE

Counsel for Petitioner DENNIS RAY BARNETT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DENNIS RAY BARNETT,)	No. C 08-01604 RMW
)	
Petitioner,)	STIPULATION AND []
v.)	ORDER EXTENDING BRIEFING
)	SCHEDULE ON RESPONDENT'S
)	MOTION TO DISMISS
VIMAL SINGH, Warden, et al.)	
)	
Respondents.)	
_____)	

STIPULATION

The Ninth Circuit Court of Appeals issued its memorandum opinion on February 22, 2013, vacating this Court's judgment and remanding for consideration of the timeliness of the petition based upon the Ninth Circuit's opinion in *Bills v. Clark*, 628 F.3d 1092 (9th Cir. 2010). The Court of Appeals' mandate was issued on March 18, 2013. On March 19, 2013, respondents filed a Motion to Dismiss the Petition as Procedurally Barred, which addresses a novel issue that is not related to the underlying issue on appeal - whether the petition is entitled to equitable tolling of the statute of limitations under 28 U.S.C. § 2244(d).

The parties hereby stipulate and agree that the current briefing schedule on respondents' motion to dismiss may be extended to allow petitioner additional time to file his opposition to

respondents' motion. The current due date for petitioner's opposition brief is April 2, 2013. The purpose of this extension request is to allow petitioner's counsel additional time to research and prepare petitioner's opposition brief which addresses an issue not previously raised in this matter.

The parties agree on the following briefing schedule: petitioner shall file his opposition to respondents' motion to dismiss on or before April 22, 2013. Respondents may file an optional reply brief on or before May 6, 2013. The motion hearing date set for May 17, 2013 at 9:00 a.m. shall remain the same.

Dated: March 25, 2013

/s/ _____
GREGORY A. OTT
Deputy Attorney General

Dated: March 25, 2013

/s/ _____
CYNTHIA C. LIE
Assistant Federal Public Defender

[] ORDER

Good cause appearing and by stipulation of the parties, it is hereby ordered that the current briefing schedule on the respondents' motion to dismiss be extended to allow petitioner to file his opposition on or before April 22, 2013, with respondent's reply brief, if any, to be filed on or before May 6, 2013. The motion hearing date set for May 17, 2013 at 9:00 a.m. shall remain the same.

Dated: ~~HCH~~ ~~TH~~ _____


RONALD M. WHYTE
United States District Judge